

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LAWRENCE TOLBERT,

Applicant,

v.

No. CIV-06-1022 JH/LAM

ROBERT ULIBARRI, et al.,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION (Doc. 29)**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 29*), filed on December 5, 2007. No party has filed objections to the Proposed Findings and Recommended Disposition and the deadline for filing objections has passed. The Court has determined that it will adopt the Proposed Findings and Recommended Disposition (*Doc. 29*); grant Respondents' Motion to Dismiss Petition (*Doc. 23*); deny Mr. Tolbert's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (*Doc. 1*) as without merit; and enter a judgment dismissing this case with prejudice.

IT IS THEREFORE ORDERED that the Proposed Findings and Recommended Disposition (*Doc. 29*) are **ADOPTED** by the Court.

IT IS FURTHER ORDERED that Respondents' Motion to Dismiss Petition (*Doc. 23*) is **GRANTED**.

IT IS FURTHER ORDERED that Mr. Tolbert's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (*Doc. 1*) is **DENIED** as without merit.

IT IS FURTHER ORDERED that this case be **DISMISSED WITH PREJUDICE** and that a final judgment be entered concurrently with this order.

IT IS SO ORDERED.



Judith C. Herrera
HONORABLE JUDITH C. HERRERA
UNITED STATES DISTRICT JUDGE